

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN E. FELGAR,

Petitioner

v.

PA BD. OF PROB/PAROLE, et al
Respondent

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:
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CIVIL ACTION NO. 04-196E

MOTION FOR DISQUALIFICATION

COMES NOW, John E. Felgar, Petitioner, requesting this Court to DISQUALIFY the Office of Respondent in the above-captioned matter pursuant to 28 U.S.C. § 528 due to a conflict of interest and hereby states as follows:

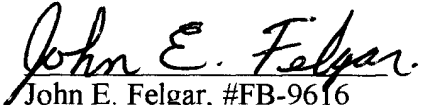
- 1) Petitioner avers that on October 29, 2004, the Respondent submitted evidence to the District Court in their Response Petition in the above-captioned matter that had been tampered with.
- 2) It is believed by the Petitioner that this deliberate bad faith conduct on the part of the Respondent constitutes fraud which violates the Rules of Professional Conduct, Rules 3.4, 3.7(b), 42 Pa.C.S., a conflict of interest prejudicial to the Petitioner's substantive due process rights toward the relief sought in the present matter. See, U.S. of America v. Voight, 89 F.3d 1064, 1065, 1074, 1075; U.S. v. Merlino, 349 F.3d 144.
- 3) Petitioner avers that on November 11, 2004, clear evidence was submitted by the Petitioner to the District Court of fraudulent concealment of evidence concerning the

Petitioner's sentence Status Sheet (DC 16-E) which the Respondent used as substantial evidence to support their conclusion.

- 4) Petitioner objects to the withdrawal/entry of appearance filed by the Respondent's Office on July 5, 2005, due to further possible acts of malfeasance and misrepresentation within the Respondent's Office which creates a potential conflict of interest with the Petitioner pursuant to 28 U.S.C.A. §528. See, State v. Tippecanoe County Court, 432 N.E.2nd. 1377, 1379 *Ind.1982).

WHEREFORE, the Petitioner respectfully requests that this Honorable Court DISQUALIFY all attorneys within the Office of the Respondent and moves for a bifurcated hearing and/or a judgment in favor of the Petitioner for the relief sought.

Respectfully submitted,


John E. Felgar, #FB-9616

SCI-Albion
10745 Route 18
Albion, PA 16475-0002

Date: July 18th, 2005

IN THE UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF PENNSYLVANIA

AFFIDAVIT AND PROOF OF SERVICE

MOTION FOR DISQUALIFICATION

I certify that this document was given to prison officials; for forwarding to the Federal Court. I certify under penalty of perjury that the foregoing is true and correct. 28 U.S.C. SEC. 1746.

Office of Attorney General
Commonwealth of PA.
564 Forbes Ave.
Maner Complex, 6TH Floor
Pittsburgh, PA. 15219
(1) Copy

Clerk's Office
UNITED STATES DISTRICT COURT
P.O. BOX 1820
ERIE, PENNSYLVANIA 16507
(1) Original & (1) Copy

Executed on: _____

7-18-05
DATE

John E. Felgar
John E. Felgar, Pro Se